

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

PS - Commercial Taxes Department - Surprise check conducted by ACB over the Commercial Taxes Check Post (Border Check Post), Madnoor, Nizamabad District on 30.06.2007 - Certain irregularities noticed - Departmental proceedings initiated against Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Retd.) and others - Enquiry - Provisional decision to impose penalty of 10% cut in pension for one year - Communicated - Expired on 09-10-2013 - Further action abated - Orders - Issued.

REVENUE (VIGILANCE-I) DEPARTMENT

G.O.Rt.No.371

Dated :22.03.2014

Read the following:-

1. G.O. Rt. No.1821, Revenue (Vig.I) Deptt., dt.19.09.2008.
- 2.From the Commissioner of Commercial Taxes, A.P, Hyderabad, Letter No. V3/208/2010, Dt: 17.5.2011 along with inquiry report of the DC, CT, Rural Division, Hyderabad dt: 29.3.2011.
- 3.Govt. Memo No. 59133/Vig. I(1)/2007-2, Dated: 29.11.2011.
- 4.From Sri B. Vijaya Rao, ACTO, (Retd.), rep.dt: 15.5.2012.
- 5.Govt.Memo.No.59133/Vig.I(1)/2007-3, Dt.06-08-2012.
- 6.DC (CT) Hyd (Rural) Rc.No.Vig./816/2008, dt.20-02-2014.
- 7.Lr.No.59133/Vig.I(1)/2007-6, dated 03-12-2013 addressed to the Secretary, APPSC, Hyderabad.
- 8.From Smt.G.Anita Ruth, dated 06-01-2014

ORDER :

Whereas in the reference 1st read above Article of Charges have been framed against Sri B. Vijaya Rao, former Assistant Commercial Tax Officer, Commercial Taxes Check Post, Madnoor, Nizamabad District along with others for the irregularities noticed during the surprise check conducted by the ACB on the Commercial Taxes Check Post (Border Check Post), Madnoor, Nizamabad District on 30-06-2007.

2. Whereas in the reference 2nd read above, the Deputy Commissioner, Commercial Taxes, Hyderabad (Rural) Division, Hyderabad who has been appointed as Inquiry Officer has furnished the inquiry report, among others, in respect of Sri B.Vijaya Rao, former Assistant Commercial Tax Officer, Commercial Taxes Check Post, Madnoor, Nizamabad District. The Inquiry Officer has held that the Charges-I, II & III framed against the above Officer as not proved. In respect of Charge-III (ie.,relating to appointment of (2) private persons viz., (1) Sri N. Santosh & (2) Sri Nagarjuna Goud to attend to the office work i.e., computer operations), the Enquiry Officer has observed that the Charged Officer confessed during the course of inquiry that the above two persons were employed to operate computer work in the Check Post in the interest of Check Post administration and the Charged Officer used to pay appropriate remuneration from his own pocket in good faith. Taking into consideration of said deposition, the Enquiry Officer has concluded that there was no expenditure from the Department Budget / loss to Government exchequer and held that there is no error on the part of Charged Officer. He retired from service on 31-03-2009.

P.T.O.,

3. Government after examination of the Enquiry Report disagreed with the findings of the Inquiry Officer with regard to the above count. Accordingly vide reference 3rd cited, the disagreement factor together with copy of enquiry report has been communicated to the Charged Officer, Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Retired) as required under sub-rule (2) of rule 21 of APCS (CC&A) Rules, 1991 directing him to submit his representation for taking further action.

4. Whereas Sri B. Vijaya Rao, former Assistant Commercial Tax Officer, Commercial Taxes Check Post, Madnoor, Nizamabad in his representation in the reference 4th read above, has submitted that the Department had not provided qualified computer operators to work in the Check Posts. In the interest of Check Post administration, alternate arrangements were made and the remuneration paid to them is not met by himself alone but is met by the all Assistant Commercial Tax Officers among themselves. The representation of the charged Officer has been examined and observed that the above officer during the Inquiry filed deposition on 15-09-2010 confessing that the remuneration to the Computer Operators is being paid from his pocket.

5. Government, after careful examination of the matter, have provisionally decided to impose a penalty of 10% cut in pension for a period of one year on the Charged Officer, Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Retd), under rule 9 of APRP Rules, 1980. Accordingly a Show Cause Notice was issued vide reference 5th cited with a direction to submit his representation, if any, within 15 days from the date of receipt of memo. The Show Cause Notice was served to the Delinquent Officer on 11-09-2012 vide reference 6th read above and the charged Officer has not filed any representation even after lapse of considerable time.

6. Whereas the Government after taking into consideration the material available on record has decided to confirm the provisional decision to impose a penalty of 10% cut in pension for one year on Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Retired), under rule 9 of A.P. Revised Pension Rules, 1980 and proposal has been sent to A.P. Public Service Commission vide reference 7th read above cited for concurrence of the Commission.

7. Whereas in the reference 8th read above Smt.G.Anita Ruth, has stated that her husband, Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Commercial Taxes) (Retd.) expired on 09-10-2013 and requested to drop further against him and to release all the pensionary benefits. She has also enclosed the original death certificate issued by the GHMC. As per the Rule 9 (8) of A.P. Revised Pension Rules, in case of death of a Government Servant before conclusion of the disciplinary proceedings, the family pension beneficiary or legal heir is entitled to receive the balance of 25% or remaining part of the full pension as the case may be and the further proceedings shall abated.

8. Now therefore in terms of powers conferred under Rule 9 (8) of A.P. Revised Pension Rules, 1980, hereby abate all further proceedings in the disciplinary action initiated against Sri B.Vijaya Rao, Assistant Commercial Tax Officer (Commercial Taxes) (Retd.,) vide reference 1st read above, subject to the condition that if any loss caused to Government due to the negligence of the above officer is detected in future, the same will be recovered from his legal representatives as per rules.

Contd..P3.,

::3::

9. The Commissioner of Commercial Taxes is therefore requested to take necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Smt.G.Anita Ruth, W/o.late B.Vijaya Rao, ACTO (CT) (Retd.),
R/o.H.No.20-75/18, Goutham Nagar, Malkajgiri, Hyderabad-500 047.

Copy to

The Commissioner of Commercial Taxes.

The Secretary to VC, A.P. Vigilance Commission

The Secretary, A.P.Public Service Commission, Hyderabad.

The Director General, Anti- Corruption Bureau, A.P., Hyderabad

The Director of Treasuries & Accounts, Hyderabad.

The P.S., to the Prl.Secy.to Govt., Rev.(CT&Ex) Dept.,

//Forwarded :: By Order //

SECTION OFFICER.